Exhibit 4

Case 3:20-cv-06754-WHA Document 766-5 Filed 05/22/23 Page 2 of 23 CONFIDENTIAL BUSINESS INFORMATION - SUBJECT TO PROTECTIVE ORDER

1	UNITED STATES DISTRICT COURT
2	FOR THE NORTHERN DISTRICT OF CALIFORNIA
3	x
	SONOS, INC.,
4	
	Plaintiff,
5	vs. Case No. 3:21-CV-07559-WHA
6	GOOGLE LLC,
	Defendant.
7	x
8	-AND-
9	
10	UNITED STATES DISTRICT COURT
11	FOR THE NORTHERN DISTRICT OF CALIFORNIA
12	x
13	GOOGLE LLC,
14	Plaintiff,
15	vs. Case No. 3:20-CV-06754-WHA
16	SONOS, INC.,
	Defendant.
17	x
18	**CONFIDENTIAL BUSINESS INFORMATION**
19	**SUBJECT TO PROTECTIVE ORDER**
20	REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF
21	TIM KOWALSKI
22	Monday, May 8, 2023
23	
24	Reported By: Lynne Ledanois, CSR 6811
25	Job No. 5907206
	Da 1
	Page 1

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1	UNITED STATES DISTRICT COURT
2	FOR THE NORTHERN DISTRICT OF CALIFORNIA
3	x
	SONOS, INC.,
4	
	Plaintiff,
5	vs. Case No. 3:21-CV-07559-WHA
6	GOOGLE LLC,
	Defendant.
7	x
8	-AND-
9	
_0	UNITED STATES DISTRICT COURT
.1	FOR THE NORTHERN DISTRICT OF CALIFORNIA
L2	x
.3	GOOGLE LLC,
.4	Plaintiff,
.5	vs. Case No. 3:20-CV-06754-WHA
.6	SONOS, INC.,
7	Defendant.
	x
.8	
.9	Videotaped deposition of TIM KOWALSKI,
20	taken in, Lincolnshire, Illinois commencing at
21	10:03 a.m. CDT on Monday, May 8, 2023, before Lynne
22	Ledanois, Certified Shorthand Reporter No. 6811.
23	
24	
25	///
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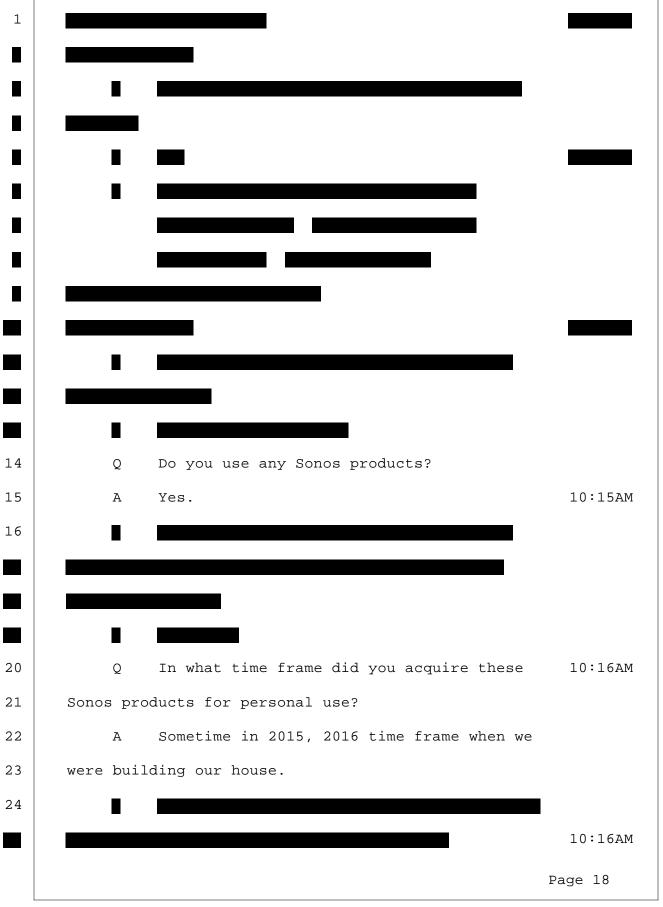
1	REMOTE APPEARANCES
2	
3	Counsel for Google LLC:
4	QUINN EMANUEL URQUHART & SULLIVAN, LLP
5	BY: JEFF NARDINELLI
6	Attorney at Law
7	50 California Street
8	22nd Floor
9	San Francisco, California 94111
10	jeff.nardinelli@quinnemanuel.com
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	Page 3

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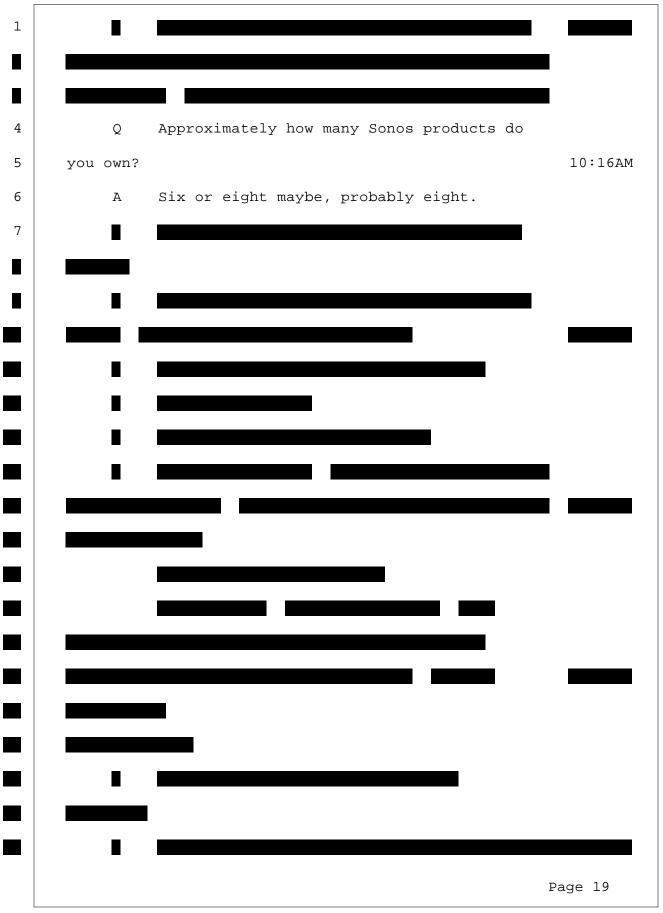
1	REMOTE APPEARANCES
2	
3	Counsel for Sonos LLC:
4	ORRICK HERRINGTON & SUTCLIFFE LLP
5	BY: JOESEPH KOLKER
6	BAS de BLANK
7	Attorneys at Law
8	1000 Marsh Road
9	Menlo Park, California 94025
10	jkolker@orrick.com
11	basdeblank@orrick.com
12	
13	ALSO PRESENT:
14	David West, Videographer
15	Jim Sherwood, Google In-House Counsel
16	
17	
18	
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20	
21	
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23	
24	
25	
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1	Ledanois. We represent Veritext Legal Solutions.	10:04AM
2	I am not related to any party in this	
3	action nor am I financially interested in the	
4	outcome.	
5	If there are any objections to proceeding,	10:04AM
6	please state them at the time of your appearance.	
7	Counsel will now state their appearances	
8	and affiliations for the record beginning with the	
9	noticing attorney.	
10	MR. KOLKER: Hi. My name is Joseph Kolker	10:04AM
11	from Orrick, Herrington & Sutcliffe on behalf of	
12	Sonos, Inc. And with me today from Orrick is Bas de	
13	Blank.	
14	MR. NARDINELLI: This is Jeff Nardinelli	
15	from Quinn Emanuel on behalf of Google and the	10:05AM
16	witness and with me is Jim Sherwood, in-house	
17	counsel for Google.	
18	THE VIDEOGRAPHER: Thank you. The court	
19	reporter may now swear the witness in and we will	
20	continue.	10:05AM
21	(Witness sworn.)	
22	THE VIDEOGRAPHER: Counsel, please	
23	continue.	
24	TIMOTHY KOWALSKI,	
25	having been duly sworn, testified as follows:	2:03PM
		Page 9



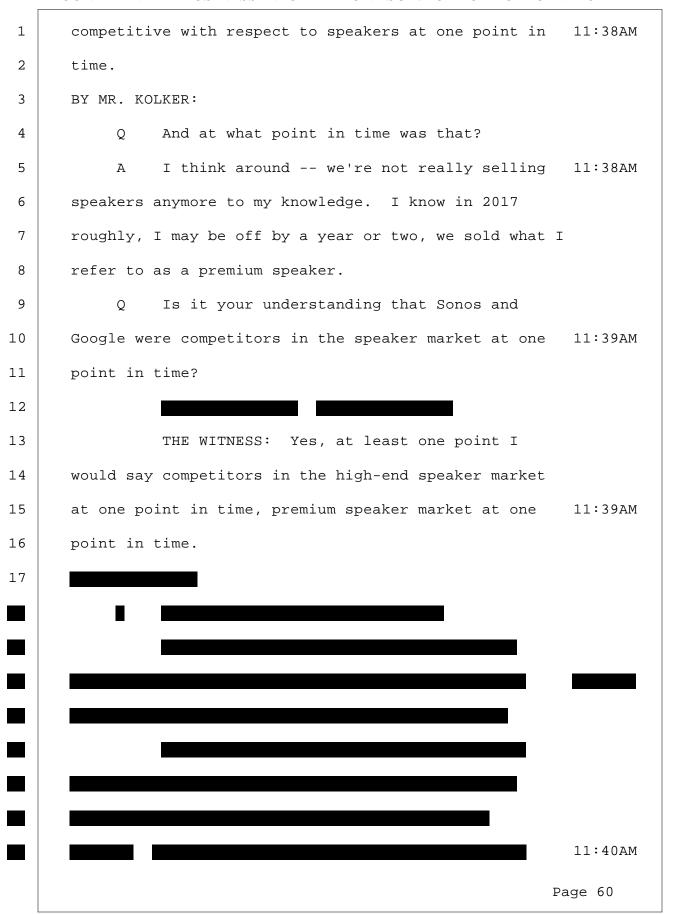
Case 3:20-cv-06754-WHA Document 766-5 Filed 05/22/23 Page 8 of 23 CONFIDENTIAL BUSINESS INFORMATION - SUBJECT TO PROTECTIVE ORDER



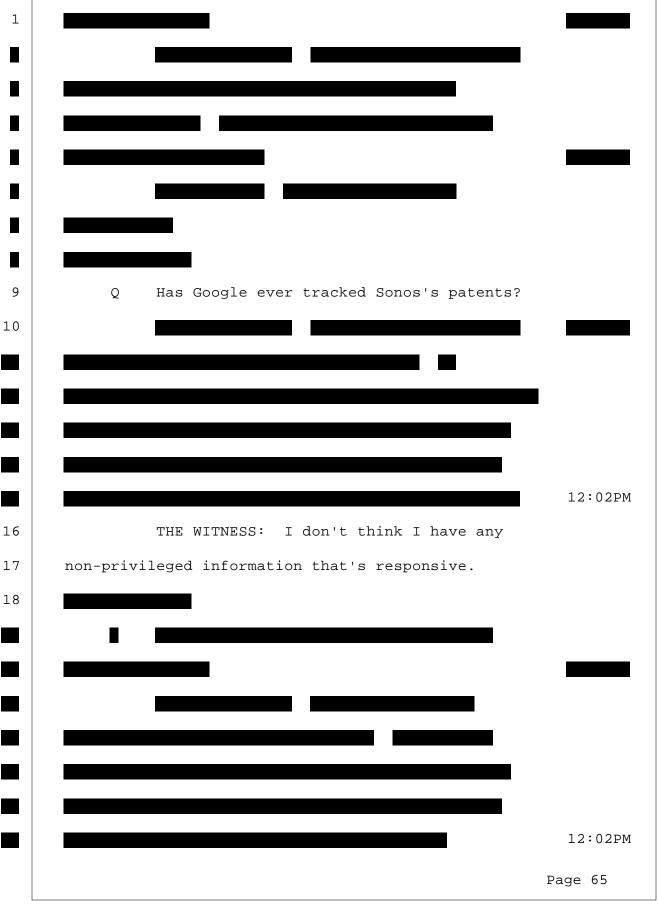
Case 3:20-cv-06754-WHA Document 766-5 Filed 05/22/23 Page 9 of 23 CONFIDENTIAL BUSINESS INFORMATION - SUBJECT TO PROTECTIVE ORDER

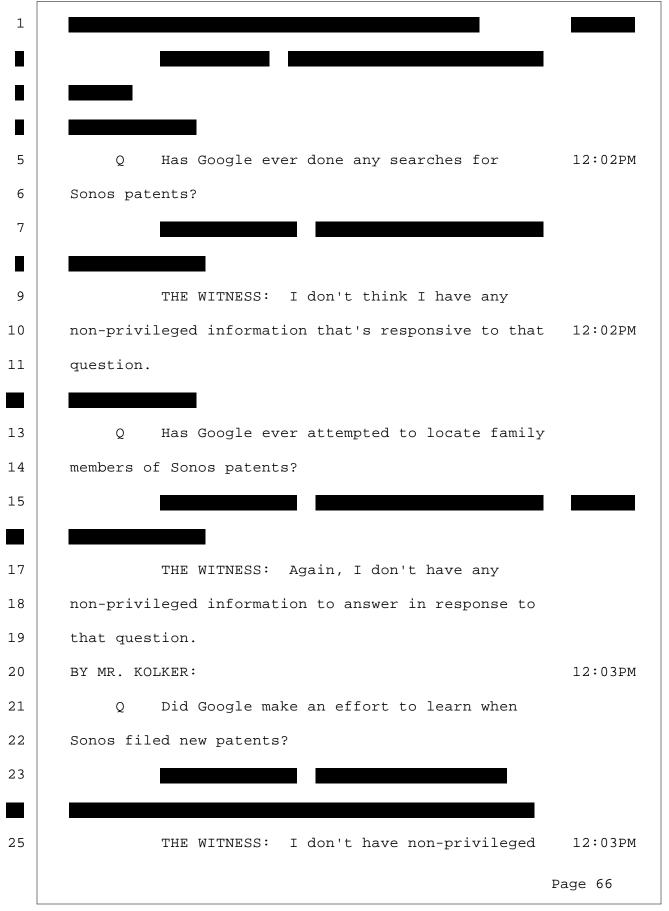
1	sorry, what was the other term you used?	11:37AM
2	Q My question was what your understanding is	
3	of the distinction between an operating company	
4	versus a nonpracticing entity?	
5	A Okay. So, yes. A general high-level	11:37AM
6	understanding of a nonpracticing entity is a company	
7	that is not involved in selling products and therefore	
8	isn't using its patents.	
9	Q So is it your understanding that an	
10	operating company is in the business of selling	11:37AM
11	products while a nonpracticing entity is not in the	
12	business of selling products?	
13	A Generally, yes.	
14	Q Do you understand Sonos, Inc. to be a	
15	nonpracticing entity?	11:38AM
16	A No. My understanding is Sonos sells	
17	products. In fact, we talked about the ones that I	
18	purchased earlier.	
19	Q Do you understand Sonos to be a competitor	
20	to Google?	11:38AM
21	A In what sense?	
22	Q In any sense.	
23		
24	THE WITNESS: At one point in time we were	
25	both selling speakers. So we may have been	11:38AM
	Pag	ge 59

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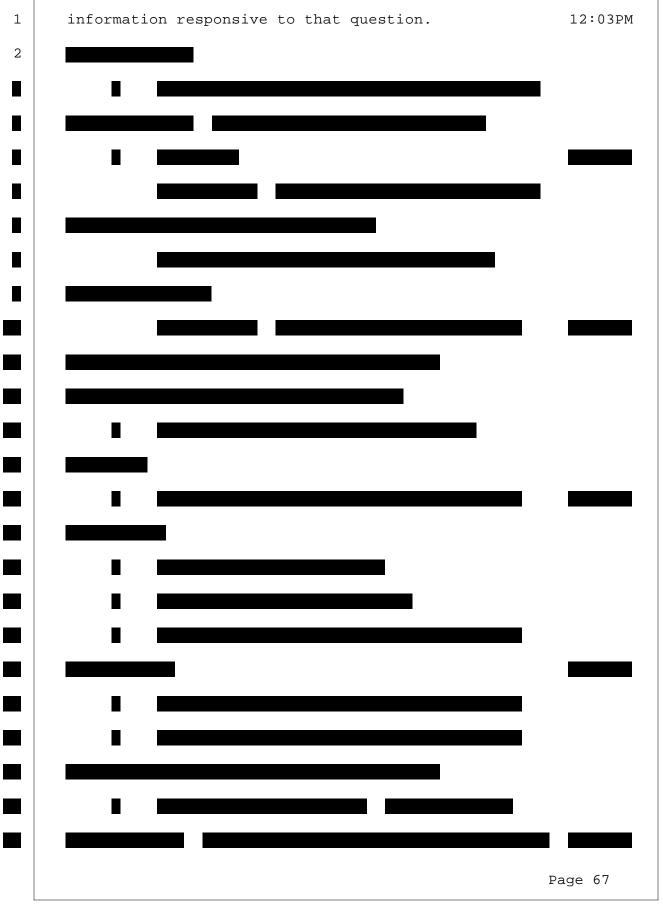


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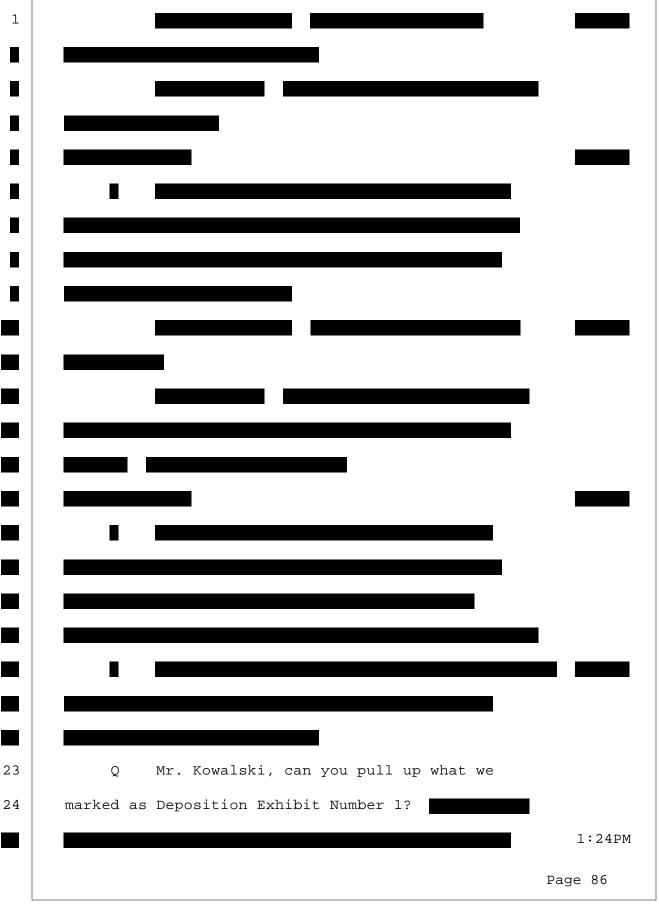




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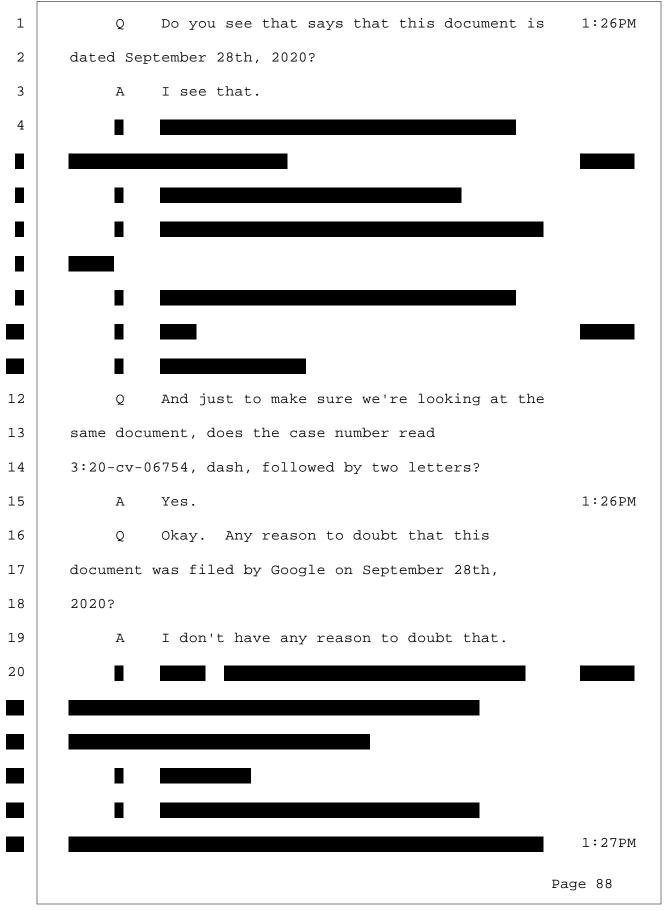


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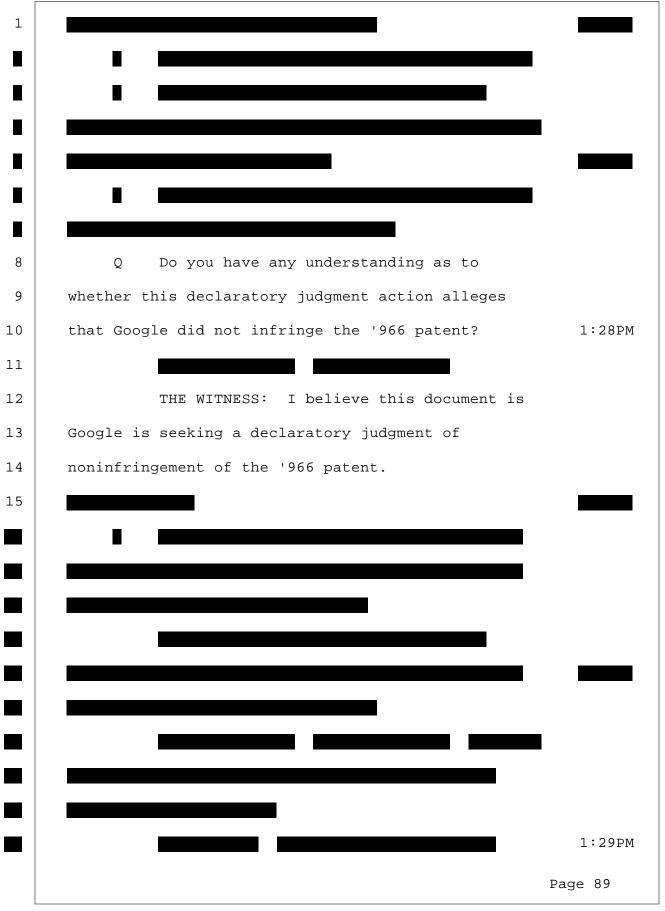


1		
4	Q Would you take a minute to review the	
5	first page of this document.	1:24PM
6		
7	Q Did reviewing that first page refresh your	
8	recollection as to whether Google filed an action	
9	for declaratory judgment of noninfringement of the	
10	'966 patent?	1:25PM
11		
13	THE WITNESS: I see that this document	
14	shows that Google filed a declaratory judgment	
15	action of noninfringement of the '966 patent.	1:25PM
16	BY MR. KOLKER:	
17	Q If you can go ahead and go down to	
18	Page 12, which is the second-to-last page of the	
19	document.	
20	A Yes, I think I'm there.	1:25PM
21	Q For the record, I'm looking at the	
22	signature page which has a date and a signature by	
23	Google attorneys.	
24	Is that what you're looking at?	
25	A Yes.	1:26PM
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1	BY MR. KOLKER:	1:33PM
2	Q Do you know when Google formed a basis as	
3	to its belief that it did not infringe the '966	
4	patent?	
5	MR. NARDINELLI: Object to form. And	1:33PM
6	also, Tim, I will instruct you not to answer that	
7	question on grounds of privilege.	
8	THE WITNESS: Confirming I will follow	
9	counsel's advice.	
10	BY MR. KOLKER:	1:33PM
11	Q Did Google form a basis as to its belief	
12	that it did not infringe the '966 patent prior to	
13	receiving Sonos's draft complaint or after receiving	
14	Sonos's draft complaint?	
15	MR. NARDINELLI: Tim, instructing you not	1:33PM
16	to answer that question on grounds of privilege.	
17	THE WITNESS: Confirming I'm going to	
18	follow counsel's advice.	
19	BY MR. KOLKER:	
20	Q As a general matter, what is Google's	1:34PM
21	policy for filing a legal pleading?	
22	MR. NARDINELLI: Instruct you not to	
23	answer on grounds of privilege.	
24	THE WITNESS: Confirming I'm going to	
25	follow counsel's advice.	1:34PM
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1	BY MR. KOLKER:	1:34PM
2	Q For a legal pleading in general to be	
3	filed on Google's behalf, does Google have a policy	
4	of requiring review by Google?	
5	MR. NARDINELLI: Instruct you not to	1:34PM
6	answer on grounds of privilege.	
7	THE WITNESS: Confirming I'm going to	
8	follow counsel's advice.	
9	BY MR. KOLKER:	
10	Q When Google reviews legal pleadings prior	1:34PM
11	to filing, what is the scope of Google's review?	
12	MR. NARDINELLI: Instruct you not to	
13	answer on basis of privilege.	
14	THE WITNESS: Confirming I'm going to	
15	follow counsel's advice.	1:34PM
16	BY MR. KOLKER:	
17	Q Do you understand that there is a Rule 11	
18	obligation to certify that factual contentions have	
19	evidentiary support or, if specifically so	
20	identified, will likely have evidentiary support	1:35PM
21	after a reasonable opportunity for further	
22	investigation or discovery?	
23	MR. NARDINELLI: If you know the answer to	
24	that, Tim, you can answer yes or no.	
25	THE WITNESS: I'm generally aware of	1:35PM
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1	Rule 11. I am not a litigator, so it doesn't come	1:35PM
2	up in my daily practice.	
3	BY MR. KOLKER:	
4	Q Google states in this pleading that it	
5	does not infringe the '966 patent.	1:35PM
6	Do you know if that contention had	
7	evidentiary support at the time that this was filed?	
8	MR. NARDINELLI: Instruct you not to	
9	answer on grounds of privilege.	
10	THE WITNESS: Confirming I'm going to	1:35PM
11	follow counsel's advice.	
12	BY MR. KOLKER:	
13	Q Prior to filing this declaratory judgment	
14	complaint, did Google have an opportunity to confirm	
15	its contention that it did not have the '966	1:36PM
16	patent had evidentiary support?	
17	MR. NARDINELLI: Instruct you not to	
18	answer on grounds of privilege.	
19	THE WITNESS: Confirming I'm going to	
20	follow counsel's advice.	1:36PM
21	BY MR. KOLKER:	
22	Q As a general matter, would Google file a	
23	pleading with the court if it did not believe the	
24	statements were true?	
25	MR. NARDINELLI: Instruction not to answer	1:36PM
	Pε	age 94

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1	on grounds of privilege. Also object to form.	1:36PM
2	THE WITNESS: Confirming I'm going to	
3	follow counsel's advice.	
4	BY MR. KOLKER:	
5	Q Would Google have filed this declaratory	1:36PM
6	judgment action if it did not believe the statements	
7	that it did not infringe the '966 patent were true?	
8	MR. NARDINELLI: Objection, calls for	
9	speculation. I'll also instruct you, Tim, not to	
10	answer on grounds of privilege.	1:36PM
11	THE WITNESS: Confirming I'm going to	
12	follow counsel's advice.	
13	BY MR. KOLKER:	
14	Q Would Google have filed this declaratory	
15	judgment action if it did not have a sufficient	1:36PM
16	basis to believe the statements that it did not	
17	infringe the '966 patent were true?	
18	MR. NARDINELLI: Object to form. Instruct	
19	you not to answer on grounds of privilege.	
20	THE WITNESS: Confirming I'm going to	1:37PM
21	follow counsel's advice.	
22		
		1:37PM
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1	I declare under penalty of perjury
2	under the laws that the foregoing is
3	true and correct.
4	
5	Executed on, 20,
6	at
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8	
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11	
12	Witness Signature
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1 I, LYNNE M. LEDANOIS, a Certified Shorthand Reporter of the State of California, do 2 3 hereby certify: That the foregoing proceedings were taken 4 5 before me at the time and place herein set forth; that a record of the proceedings was made by me 6 7 using machine shorthand which was thereafter 8 transcribed under my direction; that the foregoing 9 transcript is a true record of the testimony given. Further, that if the foregoing pertains to 10 the original transcript of a deposition in a Federal 11 12 Case, before completion of the proceedings, review of the transcript [X] was [] wasn't requested. 13 14 I further certify I am neither financially interested in the action nor a relative or employee 15 16 of any attorney or party to this action. 17 IN WITNESS WHEREOF, I have this date 18 subscribed my name. 19 2.0 Dated: 5/8/23 21 22 23 your Marie Ledanois 24 LYNNE MARIE LEDANOIS CSR No. 6811 25 Page 115